CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 1, 2011

INVOCATION:
Pastor Paul Berry of Calvary Chapel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Jones, Police Chief Macagni, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, Director of Utilities Sweet, Parks Services Manager Davis, Community Programs Manager Coelho-Hudson, and Chief Deputy City Clerk Perez.

RESOLUTION NO. 2011-128
Mayor Lavagnino read Resolution No. 2011-128 recognizing and commending Jose "Joe" Arredondo for his 30 years of dedicated service to the City of Santa Maria, and congratulating him on his retirement.

Resolution No. 2011-128 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2011-47 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA RECOGNIZING AND COMMENDING JOSE "JOE" ARREDONDO.

Mr. Arredondo was not present to receive his resolution due to a family emergency. The resolution was accepted by Parks Services Manager Davis.

GEM AWARD
City Manager Ness presented the "Going the Extra Mile (GEM)" Award to Michelle Tasseff, Code Compliance Officer II.

Code Compliance Officer Tasseff was nominated for her creative approach to addressing blighted neighborhoods by investigating and abating 20 blighted, foreclosed houses and persuading banks and asset managers to clean up the properties prior to re-sale; for coordinating two property makeovers by charitable organizations; and for giving her time and financial support to several civic organizations that aid abused children, the hungry, and the indigent.

Michelle Tasseff thanked the Council and her Code Compliance co-workers for their support.

PUBLIC COMMENT
Bob Ziener complimented the City Council on the appointments of the new Fire Chief and City Manager. He encouraged the City Council to consider a future think tank and offered his services.

Michael de Leo spoke in opposition to prohibiting sandwich board signs. He talked about the $1.00 fee that was charged at the Library if you didn't have your library card with you at the time of checkout. He also talked about streets in his neighborhood that did not have sidewalks.

CONSENT CALENDAR
Councilmembers Cordero and Patino requested Item 3D be pulled for comment.

Councilmember Boysen requested Item 3H be pulled for a separate vote so he could abstain and announced he had a conflict of interest due to his employment with Good Samaritan Shelter.

Item 3D – Employment Agreement for City Manager Services
Councilmember Cordero stated this was the highest paid position in the City, and he felt it was important that the Council review the item for the public. He asked City Manager Ness to explain the provisions of the contract.

City Manager Ness indicated that what the Council had before them was the contract for the next City Manager, Mr. Rick Haydon, which Council had directed staff to prepare in Closed Session at the last meeting. The agreement would become effective December 31, 2011. The agreement and the provisions provide that Mr. Haydon would serve in an at-will capacity. It spelled out the compensation levels and benefits which were the same as other management employees in the City. He would be paid at the "B" step of the City Manager's pay range. For the first six months of the new year, Mr. Haydon would be filling both positions, the City Manager position and his current position as Assistant City Manager. Within the City Manager's office, there were 10 full-time employees, including the City Manager's staff, Human Resources, the City Clerk's Division, and Risk Management. The City of Santa Barbara had about 2.5 times more employees in the City Manager's office, while Lompoc and San Luis Obispo, half the size of Santa Maria, have 10 and 11 employees, respectively. The workload within the City Manager's office was very high. Mr. Haydon would be working very hard for the next six to eight months to keep up with that workload.

Mayor Lavagnino indicated that Mr. Haydon's salary would be about $37,000 less than the City of San Luis Obispo's City Manager and $47,000 less than the City Manager in Santa Barbara.

City Manager Ness stated that if the City went out to recruit a new City Manager, it would cost the City about $30,000. The City would probably have to negotiate a higher salary for the top candidate from that type of recruitment as well.

Mayor Lavagnino stated additionally, not filling the Assistant City Manager position for six months would save the City at least $30,000.

City Manager Ness stated he was particularly proud of the fact that the Council was able to appoint Mr. Haydon through succession planning. He believed that one of the things he needed to do as City Manager was to prepare employees to succeed into important positions within the City. He was very proud of being able to groom Mr. Haydon. The continuity of having Mr. Haydon be able to step in and hit the ground running, particularly with his skills and talents in labor relations and the budget, was extremely important.

Councilmember Patino welcomed Mr. Haydon and said the Council was sad to see Mr. Ness leave. She said she didn't think the Council could have found anyone better. People had told her that the Council made a very good decision.

Councilmember Orach stated in his years as a Councilmember, he has seen several City Managers groom their assistants to take over as City Manager. The City Manager and City Attorney received annual evaluations and would have goals to meet.

Mayor Lavagnino stated he was very happy that Mr. Haydon would be the next City Manager. He was prepared for it and would do an excellent job.

Item 3H – Amended Agreement with Good Samaritan Shelter
Resolution No. 2011-131 was adopted on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Boysen

Consent Calendar Items 3A through 3L, except 3H, were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Special Joint City Council/Block Grants Advisory Committee Meeting of October 12, 2011, and the Regular City Council Meeting of October 18, 2011, were approved as submitted.

C. CONFLICT OF INTEREST CODE
Resolution No. 2011-129 was adopted to include limited service and part-time positions and to list designated filers by department.

Resolution No. 2011-129 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

D. EMPLOYMENT AGREEMENT - CITY MANAGER SERVICES
Resolution No. 2011-130 was adopted approving an Employment Agreement with Rick Haydon for City Manager Services, effective December 31, 2011, and authorized the Mayor to sign the Agreement.

Resolution No. 2011-130 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN EMPLOYMENT AGREEMENT WITH RICHARD J. HAYDON FOR CITY MANAGER SERVICES.

E. BOND RELEASE
The City Council accepted as complete the public improvements associated with Westfield at Pacific Crest Airspace Condos, Tract 5899, and released the Faithful Performance Bond for public improvements in the reduced amount of $50,000, with the order that the Contractor, Labor and Material Bond be retained until May 2012, and the Guarantee and Defective Material Bond be retained until November 2012.

F. WARRANTS
Warrant Nos. 168904 to 169178 totaling $1,531,151.71 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 164331, 169154, 169155, and 169156 were cancelled.

G. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

H. HOMELESSNESS PREVENTION AND RAPID RE-HOUSING (HPRP) FUNDS

Resolution No. 2011-131 was adopted approving the amended agreement with Good Samaritan Shelter, Inc., allocating an additional $30,000 in homelessness prevention and rapid re-housing program (HPRP) funds.

Resolution No. 2011-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AMENDED AGREEMENT WITH GOOD SAMARITAN SHELTER,INC., ALLOCATING AN ADDITIONAL $30,000 IN HOMELESSNESS PREVENTION AND RAPID RE-HOUSING (HPRP) FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA.

I. ORDINANCE NO. 2011-08

The City Council conducted the second reading of Ordinance No. 2011-08 by title only and adopted the ordinance repealing and/or amending provisions in Chapters 1-8, 1-9, and 5-6 of the Santa Maria Municipal Code replacing the Code Compliance Board with Hearing Officers.

Ordinance No. 2011-08 adopted. A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTIONS OF CHAPTERS 1-8, 1-9 AND 5-6 OF THE MUNICIPAL CODE TO REPLACE THE CODE COMPLIANCE BOARD WITH HEARING OFFICERS.

J. PROPOSITION 1B PUBLIC TRANSPORTATION PROGRAM

Resolution Nos. 2011-132 and 2011-133 were adopted authorizing the execution of the Certification and Assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program and approving receipt of Proposition 1B Transit Security grant funding from the State of California.

Resolution No. 2011-132 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT BOND PROGRAM.

Resolution No. 2011-133 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING RECEIPT OF PROPOSITION IB TRANSIT SECURITY GRANT FUNDING FROM THE STATE OF CALIFORNIA.

K. SUMMARY VACATION

Resolution No. 2011-134 was adopted summarily vacating an easement at 1220 North Suey Road for public utilities pursuant to Streets & Highways Code, Part 3, Chapter 4, §8333(a).

Resolution No. 2011-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUMMARILY VACATING AN EASEMENT FOR PUBLIC UTILITIES, PURSUANT TO STREETS & HIGHWAYS CODE, PART 3, CHAPTER 4, §8333(a).

L. NOVATION AGREEMENT

Resolution No. 2011-135 was adopted approving a Novation Agreement changing the name of the contractor performing the "Use of Gas at the Santa Maria Wastewater Treatment Plant" project from CHP Clean Energy, LLC, to US Energy Operating Services.

Resolution No. 2011-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NOVATION AGREEMENT

CHANGING THE NAME OF THE CONTRACTOR PERFORMING THE "USE OF GAS AT THE SANTA MARIA WASTEWATER TREATMENT PLANT" PROJECT.

INTRODUCTION AND COUNCIL DISCUSSION REGARDING THE FEASIBILITY OF ESTABLISHING A POLICE CITIZENS REVIEW BOARD.

City Manager Ness gave the staff report. On August 2, 2011, Mayor Pro Tem Patino requested (and Council approved) that research be conducted and an item placed on the Council's agenda for consideration on the feasibility of establishing a Police Citizens Review Board. A civilian review board is typically a panel of appointed citizens which is formed to review citizen complaints against police officers. Police Review Boards were first established in large cities across the country in the late 1950's and early 1960's. By mid-2005, there were, reportedly, more than 100 oversight/review boards in cities across the nation. It is estimated that about three-quarters of the police departments in the largest cities in the United States have some form of citizen oversight. Such oversight boards are not prevalent in smaller cities the size of Santa Maria. There is no single model of citizen oversight. However, most procedures have features that fall into one of four types of oversight systems. They include: Type 1 where citizens investigate allegations of police misconduct and recommend findings to the Chief of Police; Type 2 where (Internal Affairs) investigate allegations and develop findings, citizens review and recommend that the Chief approve or reject the findings; Type 3 where complainants may appeal findings established by the police department to a citizens review board, who review them and then recommend their own findings to the Chief; and Type 4 where an auditor investigates the process by which the police department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public. Generally, what distinguishes the different types of review boards is the degree of independence the board has from the police department. It should be noted that almost all citizens review boards only have authority to make recommendations.

Many individuals and groups believe that civilian review boards can have important benefits. Supporters reported they: 1) feel validated when the oversight board agrees with their allegations – or when they have an opportunity to be heard by an independent overseer regardless of the outcome; 2) are satisfied at being able to express their concerns in person; and 3) feel they are contributing to holding the department accountable for officers' behavior. Police department administrators have reported that civilian oversight: 1) improves their relationship and image with the community; 2) has strengthened the quality of the department's internal investigations of alleged officer misconduct and reassured the public that the process is thorough and fair; and 3) has made valuable policy and procedural recommendations. However, police unions have been, and still are, widely opposed to the establishment of civilian review boards for the following reasons: 1) Internal Affairs already does a good job of investigating complaints filed against police officers and citizens don't understand and shouldn't interfere in police work; 2) citizens lack experience in police work and the Chief is the person who should be held accountable for discipline; 3) the oversight board may have an agenda and be biased against the police; and 4) the process is unfair and not sustained findings may remain in officers' files, adding allegations unrelated to the citizen's complaint.

Setting up and maintaining a civilian review board and process will be time-consuming and costly. A substantial consideration in creating a police oversight board is the training of its members. The only way for a review board to make sound decisions is through extensive and very costly training on police use of force and what constitutes a "reasonable use of force." Review board members would need to become experts in use of force, applicable state and federal laws, and department and City policies in order to make informed and competent decisions regarding the discipline of an officer. Continuous training of a group of civilians on a rotating basis would be a monumental task requiring police department personnel to dedicate great amounts of time to that task.

Impartiality and credibility of an oversight board is critical. In great part, this is determined by who the members of the oversight entity are, how they are selected, what powers they have, their relations with other political officials, and, most importantly, what they do.

If the Council is interested in further pursuing the feasibility of establishing a citizens oversight system, it is recommended that a "task force" be created to look into the matter in detail, explore the options, conduct workshops to gather community input, and make a comprehensive report to the Council. The task force should consist of a broad representation of the community, including City staff, concerned citizens, Santa Maria Police Officers Association representation, and community groups.

Toru Miyoshi stated he has heard very negative comments regarding crime in the City. Crime was like a foreign language to the City until recently. Philosophically, he was opposed to any government expansion; however, due to the increased crime, he felt it warranted some consideration. He thought any advisory body should be responsible to the Council, not the Chief of Police. He referenced a recent article in *The Sun*. The Police Department needed to be above reproach. Anything that might improve the City's climate deserved further consideration.

Councilmember Cordero thanked City Manager Ness for the complete report. He said he heard Mr. Ness say it could be a very expensive proposition. He hadn't heard anything to indicate that the current system was so broken that the City needed to embark on a whole new system.

City Manager Ness explained that he was not suggesting the current system was broken. The report was at the request of Councilmember Patino to investigate the feasibility of a citizen review board. What staff did was present as factual a report as possible, looking at the various important points of determining the feasibility. In the attachment to the staff report there was a complaint procedure description currently being used by the Police Department. He did not think a citizens review board would have any role in reducing crime in the City.

Councilmember Cordero stated the common thread in the four types of review boards was that the final decision rested with the Chief of Police. He believed the City would be creating an expensive proposition and would still have the same decision maker making the final decisions with the information available. He did not think this type of board would enhance the services to the community in any meaningful way. The Council just eliminated the Code Compliance Board partially due to the expense. He didn't see any point in going any further with this.

Mayor Lavagnino stated one of his concerns was that the City may be going after a flea with an atom bomb. He asked how many citizen complaints against the Police Department the City received in a year.

City Manager Ness replied it was about 1 a month or 12 a year.

Councilmember Cordero explained that anyone could fill out a citizen complaint form for anything and very few may be for excessive force or a major policy being broken. Someone could file a complaint just because they received a citation they didn't think they should have gotten.

Councilmember Boysen stated he agreed with Mayor Lavagnino. He was not in favor of creating more government. He asked Chief Macagni if there was any merit to having a citizens review board.

Chief Macagni stated the City investigated this many years ago. He was opposed to it. The system the department has in place is a very good one that is being used State-wide and followed State regulations. The department very aggressively addressed citizen complaints. A very thorough investigation was conducted. Everything was documented and was confidential. He was the one who had to make final disciplinary decisions, and he was not afraid to do that. He held his officers accountable and held them to a higher standard.

Councilmember Patino stated she asked this issue be placed on the agenda after the article was in *The Sun*. She felt the City needed to be very open and transparent and protect the officers. She just wanted to know more about what a citizens review board did. She would like to know what other cities did, how they operated, and how

successful they were. At the same time, she valued the Chief's opinion. She was satisfied with the system already in place.

Mayor Lavagnino stated he had faith in the Chief of Police. He did not want to spend more staff time on the issue and then decide it was not something the Council wanted to pursue.

Councilmember Orach stated he felt going forward would be detrimental to staff. He thought it was a knee jerk reaction to the article in the paper. He felt the Police Department's review process was working.

Councilmember Cordero recommended the issue be tabled for one year.

Assistant City Manager Haydon requested it be postponed for at least 14 months as one year from this meeting would be Election Night.

The Council concurred.

CITY MANAGER'S REPORT
City Manager Ness reported on items anticipated for the November 15, 2011, City Council meeting, including the First Quarter Financial Report, several bid awards, and a Closed Session.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Cordero reported he was installed as an Elk, attended the Black & White Ball fundraiser for the Boys and Girls Club, an American Red Cross reception at the Santa Maria Inn, and the Empty Bowls fundraiser luncheon for the Food Bank.

Councilmember Orach reported he attended the Day of the Dead event at the Veteran's Hall and worked the rest of the time.

Mayor Lavagnino reported he attended the Santa Barbara County Association of Governments (SBCAG) meeting, spoke to the RAMS at the Elks Lodge, attended a Marian Hospital Board meeting, and the Central Coast Water Authority (CCWA) meeting.

Councilmember Patino reported she appeared on the Ben Heighes radio show, attended the American Red Cross reception, the Manufacturer's Association meeting, the Empty Bowls fundraiser luncheon, interviewed with Jay Turner, and went to the Historical Museum to see the baseball exhibit.

Councilmember Boysen reported he attended the Manufacturer's Association meeting, and the Empty Bowls fundraiser luncheon. He announced that on November 15th, Good Samaritan would open their warming shelter on cold nights, and on November 16th and 17th, there would be a very important meeting of the Bringing Our Community Home Committee. Also, on November 8th, there would be another meeting of the Economic Alliance.

CLOSED SESSION:
Mayor Lavagnino announced that the Closed Session had been cancelled.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:55 p.m. by Mayor Lavagnino.

APPROVED

November 15, 2011
Date

Deputy City Clerk and ex officio Clerk of the City Council

ATTEST

Deputy City Clerk

Mayor